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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,568	02/05/2004	Herbert Richter	RI 188	5488

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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/772,568

Applicant(s)

RICHTER, HERBERT

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the first office action for application serial number 10/772,568. This application contains 9 claims numbered 1-9.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 02/06/03. It is noted, however, that applicant has not filed a certified copy of the priority application 20301837.0 as required by 35 U.S.C. 119(b).

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the wall" in line 6. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,189,407 to Champ et al.

Regarding claims 1 and 3, Champ et al. discloses an expanding lock control cable end fitting assembly (Figs. 9-10, for example) comprising: a support arm having one end thereof a clamping element including a cylindrical bushing (230) for reception in a cylindrical opening (18) and means for expanding the bushing into firm engagement with a wall of the opening for securely support the support arm in the cylindrical opening.

Champ et al. discloses substantially as claimed except for the material of the bushing being elastic consisting of thermoplastic polyurethane. However, to have selected the material of elastic as being claimed is deemed to be obvious over Champ et al. because it was obvious that the material as selected may be made from any suitable material. In addition, to have selected the material out of elastic having thermoplastic polyurethane for the bushing is considered an obvious matter of design choice since such material is of known material and commercially available and the selection is considered non-limited. It is therefore, considered as a matter of design choice.

Regarding claim 2 Champ et al. also discloses an outer diameter of the bushing being increased at least partially by deformation of the bushing material.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,911,782 to Liebig.

Regarding claims 1 and 3, Liebig discloses an expanding dowel anchoring device comprising: a support arm (5, 6, 7, 9, 11) having one end thereof a clamping element including a cylindrical bushing for reception in a cylindrical opening (2) and means for expanding the bushing (1) into firm engagement with a wall of the opening for securely support the support arm in the cylindrical opening.

Liebig discloses substantially as claimed as discussed above except for the material of the bushing being elastic consisting of thermoplastic polyurethane. However, to have selected the material of elastic as being claimed is deemed to be obvious over Liebig because it was obvious that the material as selected may be made from either steel or permanent deformable material as disclosed by Liebig. In addition, to have selected the material out of elastic having thermoplastic polyurethane for the bushing is considered an obvious matter of design choice since such material is of known material and commercially available and the selection is considered non-limited. It is therefore, considered as a matter of design choice.

Regarding claims 2 and 4-5, the subject matter of these claims also discloses by Liebig as evidently shown in Fig. 1, which includes an outer diameter of the bushing being increased at least partially by deformation of the bushing material; axial ends with conical openings whose diameter increase toward the axial outer ends of the bushing wherein conical engagement members are arranged at the opposite end of the bushing so as to be movable axially relative to each other.

Regarding claims 6-8, Liebig also discloses a threaded bolt (4) extends axially through the conical engagement members by which the conical engagement members are movable relative to each other; and a sleeve including an opening connected to the threaded bolt (9), the sleeve including an opening.

***Allowable Subject Matter***

5. Claim 9 is rejected but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,142,486 to Cedarberg, III

3,202,034 to Korenchan

6,012,886 to Tanamura et al.

1,120,368 to Booraem et al.

4,078,471 to Archibald et al.

The above patents disclose various types of expanding locks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon.-Fri. from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
July 19, 2004



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER